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OFFICE OF PETITIONS

In re Application of
Aldo Salvestro
Application No. 10/820,051
Filed: April 8, 2004
Attorney Docket Number: 91443 MGB

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 18, 2006, to revive the above-identified application. This petition is being treated as a petition under 37 CFR 1.181.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of January 24, 2006. The non-final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 25, 2006. A Notice of Abandonment was mailed September 20, 2006.

Petitioner contends a reply to the non-final Office Action was submitted on April 24, 2006. In support of petitioner's contention a copy of the amendment which contains a certificate of mailing pursuant to 37 CFR 1.8. The communication was matched to the serial number identified in the communication, namely, serial No. 10/739,057. The communication did not timely reach the correct application (10/820,051) due to petitioner's error. As a result of this error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the correspondence. The Office elects, in this instance, to treat applicant's transposition of numbers as a correctable minor error as permitted under MPEP 502. However, applicant is reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of

correspondence prior to submission to the Office.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

Since the original documents have been closed, the copy of the documents submitted with petition will be used for examination purposes.

This application is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent and the last name "Grant" following in a similar style.

Charlema R. Grant
Petitions Attorney
Office of Petitions